

**GOVERNMENT OF ANDHRA PRADESH**  
**A B S T R A C T**

Tribal Welfare Department – Appeal petition filed by Sri Labala Satyanarayana S/o Domburu, against the Proceedings of the District Collector, Vizianagaram District – under section 7(2) of The Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (AP Act No. 16/1993) – appeal allowed – Orders – Issued.

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**SOCIAL WELFARE (CV.2) DEPARTMENT**

G.O.Ms.No. 29

Dated: 20-04-2011  
Read the following:

1. Proceedings of the District Collector, Vizianagaram District vide proc.No.Rc.No.727/2005 C5, dt.01-06-2007.
2. Appeal Petition from Labala Satyanarayana S/o Domburu, Jr.Superintendent, Warehousing Corporation, Kamareddy, Nizamabad before M (TW), dt.22-06-2007.
3. Govt. Memo No.4233/CV2/2007, dt.28-08-2007.
4. The Dist. Collector, Vizianagaram, (M) Rc.No.727/2005/C5, dt.07-05-2008.
5. Govt. letter No. 4233/CV.2/2007, dt.2.9.2009.
6. Govt. Memo No.4233/CV.2/2007, dt.13.7.2010.
7. The Dist. Collector, Vizianagaram, (M) Rc.No.727/2005/C5, dt.5.9.2010.

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**ORDER:**

In the reference 2<sup>nd</sup> read above Sri Labala Satyanarayana has filed appeal petition, with the following grounds against the cancellation of his Scheduled Tribe 'Jatapu' caste certificate by the District Collector, Vizianagaram, vide Proceedings No.Rc.No.727/2005 C5, dated 1.6.2007:

- a. The District Collector, Vizianagaram, cancelling the caste certificate of the appellant is contrary to Law and against the facts of the case, and did not properly enquire into the matter and erroneously cancelled the certificate.
  - b. The District Collector, Vizianagaram failed to appreciate the fact that the father of the appellant is ST by caste and worked in Vth Battalian APSP Quarters. The appellant automatically becomes father's caste status.
  - c. The District Collector has not given any reasons for cancelling the caste certificate. Appellant initially joined in the APSP Battalian, Chintavalasa in the year 1994 and later he joined in the Central Warehousing Corporation. In the year 1997, the school record also shows that his caste is ST and he is following the traditions and customs of the caste people.
  - d. The District Collector, Vizianagaram, relied on the judgment reported in (2003) SCC page 204 erroneously and cancelled the caste certificate. The judgment states that a person inherits his caste from his father and the caste of the father will be the determinative factor in the absence of any statutory law.
2. The Government has taken the appeal petition on the file while rejecting the stay and called for the parawise remarks and connected records from the District Collector and Magistrate, Vizianagaram vide reference 3<sup>rd</sup> read above.

p.t.o.

3. Meanwhile Sri Labala Satyanarayana, has filed W.P.19858 of 2007 before Andhra Pradesh High Court, Hyderabad, against the Government Memo dated 28.8.2007, for rejection of stay petition by the Government. The Andhra Pradesh High Court, Hyderabad, while set asiding the impugned Government order dated.28.8.2007, has directed the respondents to dispose off the appeal at its earliest convenient time, at any rate on or before 30.4.2008.

4. The District Collector, Vizianagaram has furnished his parawise remarks along with the connected records vide reference 4<sup>th</sup> read above, which are as follows:

1. The Tahsildar, Denkada has submitted his report after conducting detailed enquiry, stating that Sri Labala Domburu father of Labala Satyanarayana is working as Head Constable No.410 in the A.P.S.P. 5<sup>th</sup> Batalion in Chintalavalasa Village and they hailed from Rella Village of Gummalaxmipuram Mandal to Chintalavalasa Village of Denkada Mandal. The Tahsildhar, Denkada further reported that Sri Labala Narsimhulu grand father of Labala Satyanarayana belongs to 'sondi' caste and he married a woman, Smt. Labala Jayalaxmi mother of Sri Labala Satyanarayana belongs to Vizianagaram Town and 'Kapu' by caste. The Tahsildar, Denkada, finally submitted that as seen from the social status, genealogy and the marital relations of Sri Labala Satyanarayana's family, the individual is not eligible to claim the status of Jatapu (ST) caste as his grandfather Sri Labala Narasimhulu belongs to Sondi caste.
2. The contents of the petitioner that the Collector, Vizianagaram did not conduct proper enquiry is not correct. The RDO, Parvathipuram has personally conducted enquiry, and submitted detailed enquiry report along with record of enquiry stating that as per the statements given by Sri Labala Domburu, Sri Satyanarayana, and Sri Deenamai, Sarpach, it is revealed that Sri Domburu (father of the petitioner) is the off spring of Sri Labala Narasimhulu who belongs to Sondi (OC) community and Smt. Meenaka Lakshmmamma, Jatapu (ST) community. Smt.Meenaka Lakshmmamma, admitted her son Sri Domburu in School by which time Sri Narashimhulu died. Sri Domburu has claimed Jatapu (ST) caste and the then Tahsildar, Parvathipuram has also issued caste certificate vide L.Dis.No.91/71, dt.4.1.1972 accordingly. Further the RDO, Parvathipuram has reported that Sri Domburu married Smt. Jayalaxmi D/o Sunkari Venkata Ramana who belongs to Kapu (OC) community of Vizianagaram Town. They have three (3) sons and one daughter. The sons were reported to have continued the studies at Vizianagaram enjoying the ST benefits and got employment under the same reservation. The eldest son Sri Labala Satyanarayana married Smt.Vani D/o Yamala Surya Rao of Bobbili Village belonging to Telaga (OC) community. Finally the RDO, Parvathipuram has stated that the entire family members of Sri Labala Satyanarayana S/o Domburu got inter-caste marriages. Further the surname Labala does not exists in the Jatapu(ST) family and he migrated long back from this area to Vizianagaram and the family has no links/relations with Jatapu (ST) community families of that area. The only house which is said to be inherited through Smt. Meenaka Lakshmmamma mother of Domburu is reported to have been collapsed and the version of the claimant that they are attending to the tribal festivals and functions do not have any significance in view of their decades back migration and non maintenance of relations with the local community. Therefore, the contents of the petitioner that the judgment relied upon by the Collector, Vizianagaram for cancelling his caste certificate is not applicable to the fact of the case are baseless and not acceptable.

p.t.o.

3. The above matter, has been referred to the District Level Scrutiny Committee under Rule 9(1) of A.P. (Scheduled Castes, Scheduled Tribes and Backward Classes) issue of community, Nativity and Date of Birth Rules, 1997, and the Scrutiny Committee under the Chairmanship of Joint Collector, after giving ample opportunity to the petitioner has given its findings, confirming that Sri Labala Satyanarayana S/o Domburu does not belongs to Jatapu (ST) tribe, but he belongs to Sondi caste and recommended for cancellation of the Jatapu (ST) caste certificate issued in favour of him by the then Tahsildar, Denkada vide his Office S.R.No.7/97 ST dt.15.12.1997.
  4. On the recommendations of the District Level Scrutiny Committee, headed by the Joint Collector only, the Collector and District Magistrate, Vizianagaram has issued final hearing notice dt.6.1.2007 to attend on 24.1.2007, and the individual attended before the Collector and District Magistrate on the said date. After hearing the case only, the Collector and District Magistrate, Vizianagaram has passed final orders on dt.1.6.2007.
  5. The petitioner had availed all the opportunities provided under the Act and contentions raised are false and not acceptable and there are no valid grounds.
5. The case has been taken up for personal hearing before Hon'ble Minister (TW & RIAD) on 30.6.2008, 11.5.2009, and 19.9.2009 and the appellant present before appellate authority and explained his community status.
6. In the reference 6<sup>th</sup> read above the District Collector was further requested to furnish the marriage history of Labala Domburu and his family members.
7. The District Collector, Vizianagaram in his letter 7<sup>th</sup> read above has stated that Sri Labala Domburu (Late) was married Smt Sunkari Jayalakshmi D/o Venkataramana resident of Vizianagaram town belong to Kapu(OC) community and they have four children(three sons and one daughter) Sri Labala Domburu died on 7.3.2010. He has also reported that as per the statement of Smt Labala Jayalakshmi, the wife of Domburu, her elder son Sri Labala Satyanarayana married Yamala Vani D/o Surya Rao of Bobbili belong to Telaga Community (OC). The second son Damodhara Rao married Smt Chella Rajsri D/o Ramulu, Gadabavalasa H/o Pedabondapalli Parvathipuram Mandal belongs to Gadaba (ST) caste. The daughter of Domboru Smt Amaravathi has married to Sri Parasana Lakshminarayana S/o Late Gurumurthy of Mondemkal village of Kurupam Mandal belongs to SC community. The third son, Raghavendra is unmarried as on date of enquiry by Tahsildar. .
8. Government after careful examination of records and proceedings dt.1.6.2007 of the District Collector, Vizianagaram and grounds and written arguments submitted by the appellant it is found that Sri Labala Domburu is son of Mandangi Ammanna, Jatapu (ST) and Smt. Meenaka Lakshamma, Jatapu (ST) and also Mandangi Ammanna, Jatapu (ST) is biological father of Labala Domburu. Therefore Sri Labala Domburu belongs to Jatapu (ST) caste. Hence Labala Satyanarayana is also belongs to Jatapu (ST) candidate.
9. After careful consideration of the entire material made available and in exercise of the powers conferred under section 8(1) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community certificates Act 1993(A.P Act No16 of 1993), the appeal petition filed by Labala Satyanarayana S/o Labala Domburu and grand son of Meenaka Lakshamma a Jatapu Tribal woman, is hereby allowed by upholding the ST community certificate issued to Sri Labala Satyanarayana by the MRO, Denkada vide his office S.R.No.2/97 ST dt.15.12.1997. Consequently the proceedings of the District Collector Vizianagaram in Rc.No. 727/2005 C5 dt: 1.6.2007 are hereby set aside.
- P.t.o.

10 The District Collector, Vizianagaram shall take necessary action in the matter.

11. The records (containing c.f:01 to 220 pages and n.f: 01 to 12 pages) received from District Collector, Vizianagaram District, through 4<sup>th</sup> read above, are returned herewith in original to District Collector and he is requested to acknowledge the receipt of the same, immediately.

**(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)**

**Dr.A.VIDYASAGAR  
PRINCIPAL SECRETARY TO GOVERNMENT**

To  
The Collector, Vizianagaram District (with original records)  
Sri Labala Satyanarayana S/o Domburu,  
Occ: Junior Superintendent,  
Central Warehousing Corporation,  
Rama Reddy Road,  
Kamareddy,  
Nizamabad District.

The Dy. General Manager (Per.)  
Central Warehousing Corporation,  
Corporate Office, 4/1 Siri Institutional Area  
August Kranti Marg, Hauz khas,  
New Delhi – 110016.

M/s M.Ratna Reddy, Advocate,  
O/o Associate Advocates  
1-9-292/1/2/1/1,  
Vidyanagar Colony, Hyderabad.

**Copy to:**

P.S. to M (TW)  
P.S. to Principal Secretary (TW)  
Law Department  
SF/SC.

**// Forwarded :: By Order //**

**SECTION OFFICER.**